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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,672	11/20/2000	Vick Y. Tagawa	CCTI001	8396

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EXAMINER

EL HADY, NABIL M

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/716,672

Applicant(s)

TAGAWA, VICK Y.

Examiner

Nabil M El-Hady

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/11/2004 has been entered.

2. Claims 1-29 are presented for examination.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrases "employment criteria" and "a job applicant" are not clearly understood within the scope of the claim. Nothing is stated in the claim or its preamble about a method for employment and/or job application in order to support these phrases.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-14 and 16-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Price et al. (US 2002/0032762) in relation to provisional application 60/183,276 filed 2/17/2000, hereinafter "Price".

7. As per claim 1, Price discloses a computer system for providing network training to students operating nodes linked to a data communications network ([0007]), comprising: a network training laboratory comprising computer networking devices communicatively linked to implement a functioning electronic communications network and operating in a first operation mode ([0008]-[0009]); and a training host communicatively linked to the communications network and to the network training laboratory for providing a communication connection between the computer networking devices and the student nodes and for generating and transmitting to the student nodes a student user interface comprising graphical representations of the computer network ([0013]; [0022]; and [0027]); wherein the training host is further adapted to provide a particular communication connection to a particular one of the computer networking devices in response to a student node selecting the graphical representation corresponding to the particular computer networking device ([0022]-[0023]; [0032]; [0043]; [0059]; and [0066]).

8. As per claim 2, Price discloses the computer networking devices include native interfaces and the communication connection provided by the training host is adapted for providing the native interface of the particular networking device to the selecting student node and for transmitting instructions to change the particular computer networking device from the first operation mode to a second operation mode ([0062]-[0064]).

9. As per claim 3, price discloses the training host includes a Web server and the student user interface is a graphical user interface comprising a Web page ([0032] and [0053]).

10. As per claim 4, Price discloses at least one of the student nodes is located at a location physically remote from the network training laboratory ([0007]-[0008]).

11. As per claim 5, Price discloses the computer networking devices include a router, and the training host includes a router control server connected to the router and configured for providing the communication connection from the student nodes to the router (switching devices and switch controller [0053]).

12. As per claim 6, Price discloses the router control server is configured as a terminal server with a terminal emulation program that enables the student nodes to remotely operate the router control server to provide the communication connection between the router and the student nodes ([0053]-[0054])

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13. As per claims 7 and 8, Price discloses the computer networking devices include a server, and the training host includes a server control server connected to the server in the network training laboratory and configured for providing the communication connection from the student nodes to the server (inherent in [0053]), and the server control server includes a remote access program that enables remote control of the server control to achieve the communication connection between the server and the student nodes ([inherent in [0013] and [0056]).

14. As per claim 9, Price discloses an instructor node communicatively linked to the communications network and adapted for transmitting a network state instruction set to the training host, wherein the training host is configured to respond to receipt of the instruction set by placing the computer networking devices in a second operation mode (lab maintenance client, [0013] and [0056]).

15. As per claim 10, the claim is rejected for similar reasons as claim 1 above. In addition, Price discloses a transmittal form generated by the training host comprising identifying information for each of the computer network devices, and transferring the transmittal form over the communication network to the remote node ([0022]; [0059]; and [0062]).

16. As per claim 11, the claim is rejected for similar reasons as claims 1, 2, 9, and 10 above.

17. As per claim 12, the claim is rejected for similar reasons as claims 1, 10 and 11 above.

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18. As per claim 13, the claim is rejected for similar reasons as claims 1, 2, 11, and 12 above.

19. As per claim 14, Price discloses saving information for the first operating state and the second operating state and with the training host, using the saved state information to place the computer networking devices in the network training laboratory into the first operating state or the second operating state ([0010]; [0038]-[0040]; and [0064]).

20. As per claim 16, the claim is rejected for similar reasons as claims 1, 5-7, and 10 above.

21. As per claim 17, the claim is rejected for similar reasons as claims 1, 5-7, and 16 above.

22. As per claim 18, the claim is rejected for similar reasons as claims 1, 2, and 16 above.

23. As per claim 19, Price discloses the host computer system includes a power controller (120, Fig. 6) linked to the computer networking devices (114, Fig. 6) and adapted for selectively providing power to each of the computer networking devices, and further including operating the power controller remotely from the remote node to control the selective provision of power ([0054] and [0063]).

24. As per claim 20, the claim is rejected for similar reasons as claims 1, 10, and 16 above. In addition, Price discloses method for on-line training ([0008]); training host including an administrator mechanism ([0013]; [0022]; and [0027]); and delivering interfaces to remote nodes for users as students or instructor ([0013]; [0022]; and [0027]).

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25. As per claims 21 and 22, Price discloses connecting an administrative node to the data communications network and operating the administrator mechanism to deliver an administrative interface to the administrative node that is configured to provide access over the direct communications path to each of the network devices of the laboratory, and monitor different operating environments (inherent in lab maintenance client, [0013] and [0056]).

26. As per claim 23, Price discloses connecting a training partner node to the data communications network ([0066]) and delivering a training partner interface to the training partner node ([0066]), the training partner interface is configured to provide access to a resource scheduling application of the training host that is adapted for monitoring availability of the laboratory and for controlling access to the laboratory to reserved times ([0061]).

27. As per claim 24, the claim is rejected for similar reasons as stated above.

28. As per claim 25, the claim is rejected for similar reasons as stated above.

29. As per claim 26, the claim is rejected for similar reasons as claims 1, 10, 16, and 20 above. In addition, Price discloses a plurality of different levels of administrative and communication access ([0050] and [0056]), as well as granting a course subset of network devices ([0056]).

30. As per claim 27, the claim is rejected for similar reasons as claims 20, 23, and 26 above.

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31. As per claim 28, the claim is rejected for similar reasons as stated above.

32. As per claim 29, Price discloses verifying login information from all users ([0050] and [0053])

33. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

34. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Price et al. (US 2002/0032762) in relation to provisional application 60/183,276 filed 2/17/2000, hereinafter "Price".

35.

36. As per claim 15, the users of Price's system on the remote nodes may be considered job applicants in one of the various applications to Price's system. Prices, however, does not specifically disclose an employment criteria to select an operating state. It would have been obvious to one skilled in the art at the time of the invention to that Price's lab maintenance client ([0056]) as part of its function is to offer the ability to control the lab management by adding and removing devices to the lab network, adjusting priorities, and setting blackout periods for devices. This obviously may be performed according to any criteria such as user (job applicant) employment criteria.

37. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

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38. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Houlihan et al. (US 6,535,713) ; Wall et al. (US 6,371,765); Linberg et al. (US 6,497,655) ; Shechter et al. (US 6,322,365); Brudny et al. (US 5,810,747); Ebersole et al. (US 2002/0010734); Or et al. (US 6,532,237); and Humpleman et al. (US 6,466,971).

39. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nabil M El-Hady whose telephone number is (571) 272-3963. The examiner can normally be reached on 9:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 4, 2005


Nabil El-Hady, Ph.D, M.B.A.
Primary Patent Examiner
Art Unit 2154